



Zoning
CITY OF AUSTIN
RECOMMENDATION FOR COUNCIL ACTION

AGENDA ITEM NO.: Z-20
AGENDA DATE: Thu 12/02/2004
PAGE: 1 of 1

SUBJECT: C14-04-0126 - Harrell Tract # 4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10100-10182 South IH-35 Service Road Southbound; 10100-10128 Old San Antonio Road (Slaughter Creek Watershed) from interim-rural residence (I-RR) district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, with conditions. Applicant: Edwin Tabb Harrell. Agent: Drenner Stuart Wolff Metcalfe von Kreisler, LLP (Michele Rogerson Allen). City Staff: Wendy Walsh, 974-7719.

REQUESTING Neighborhood Planning
DEPARTMENT: and Zoning

DIRECTOR'S
AUTHORIZATION: Greg Guernsey

ZONING CHANGE REVIEW SHEET

CASE: C14-04-0126

Z.P.C. DATE: November 2, 2004

ADDRESS: 10100 – 10182 South IH-35 Service Road Southbound; 10100 – 10128 Old San Antonio Road

OWNER AND APPLICANT: Edwin Tabb Harrell

AGENT: Drenner Stuart Wolff
Metcalf von Kreisler, LLP
(Michele Rogerson Allen)

ZONING FROM: I-RR

TO: CS-CO

AREA: 13.886 acres

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits the following uses: equipment sales; pawn shop services; campground; bail bond services; kennels; commercial blood plasma center; adult-oriented uses; exterminating services; monument retail sales; residential treatment; transitional housing; and drop-off recycling collection facility.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated October 28, 2004, as provided in Attachment A.

ZONING & PLATTING COMMISSION RECOMMENDATION:

November 2, 2004: *APPROVED STAFF'S RECOMMENDATION OF CS-CO ZONING AND THE FOLLOWING ADDITIONAL PROHIBITED USES: AGRICULTURAL SALES & SERVICES; TRANSPORTATION TERMINAL AND LAUNDRY SERVICES. VIA THE RESTRICTIVE COVENANT FOR THE TIA, ESTABLISH THAT THE MINIMUM SQUARE FOOTAGE FOR A RESTAURANT (LIMITED) USE AND RESTAURANT (GENERAL) USE ON A STAND-ALONE PAD SITE IS 300 SQUARE FEET.*

[C.H; T.R 2ND] (8-0) B.B – OFF DAIS

ISSUES:

The applicant is in agreement with the recommendation of the Zoning and Platting Commission.

The applicant has discussed this case with representatives of the Knolls at Slaughter Creek subdivision (southwest) and Park Ridge Homeowners Association (north of Slaughter Lane), as well as the Director of Planning Services at the Austin Independent School District (AISD) and an adjacent property owner. Letters of support from the President of Park Ridge and an adjacent property owner are attached at the back of the staff report.

DEPARTMENT COMMENTS:

The subject rezoning area consists of a portion of the Harrell Ranch, is presently used for agricultural purposes, accesses the IH-35 frontage road and Old San Antonio Road and is zoned interim – rural residence (I-RR) district. Within the past 1½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane in proximity to the IH-35 frontage road and at its intersection with FM 1626 (zoned GR-CO – Wal-Mart, South Park Meadows

and CS-CO – Janssen Tract, Double Creek Village). Please refer to Exhibits A (Zoning Map) and A-1 (Aerial View).

The applicant proposes to develop an automobile dealership on the subject tract and requests general commercial services – conditional overlay (CS-CO) district. The applicant has offered to prohibit several uses, and these have been incorporated into the staff recommendation.

Staff recommends CS-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road which is suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process, and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING ZONING AND LAND USES:

	ZONING	LAND USES
<i>Site</i>	I-RR	Agricultural
<i>North</i>	LO-CO; GR-CO; CS-CO	Undeveloped; Vacant outdoor concert venue (approved for a discount club, shopping center space and fast food restaurants)
<i>South</i>	I-RR; MF-2-CO; SF-2	Undeveloped; Single family residence; Akins High School
<i>East</i>	N/A	IH-35 – frontage road and main lanes
<i>West</i>	I-RR; SF-2	Undeveloped and planned for shopping center space and restaurants; Two single family residences

AREA STUDY: N / A

TIA: Is required and has been prepared for this case, C14-04-00124 and C14-04-0125 – Harrell Tracts #4, #1 and #3
please refer to Attachment A

WATERSHED: Slaughter Creek

DESIRED DEVELOPMENT ZONE: Yes

CAPITOL VIEW CORRIDOR: No

SCENIC ROADWAY: No

NEIGHBORHOOD ORGANIZATIONS:

26 – Far South Austin Community Association 300 – Terrell Lane Interceptor Association
428 -- Barton Springs / Edwards Aquifer Conservation District
627 – Onion Creek Homeowners Association
948 – South by Southeast Neighborhood Organization

SCHOOLS:

Williams Elementary School

Paredes Middle School

Akins High School

CASE HISTORIES:

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-04-0075 (Southpark Meadows)	LO-CO; CS-1-CO to GR-CO	To Grant GR-CO with conditions of the TIA	Approved GR-CO district zoning with a Restrictive Covenant for the TIA, as recommended by the ZAP, on all 3 Readings (7-0).
C14-99-0129 (RCT)	To Terminate the Restrictive Covenant which addresses the discontinuance of a cocktail lounge use.	To Grant a Termination of the Restrictive Covenant	Approved a Termination of the Restrictive Covenant (10-21-04).
C14-04-0059 (Harrell / Gatton)	I-RR to CS	To Grant an Indefinite Postponement; Pending submittal of the TIA	Pending
C14-04-0037 (Slaughter @ Cullen Commercial)	RR to GR	To Grant GR-CO with a list of prohibited uses and conditions of the TIA (7-20-04)	Approved GR-CO with CO for a list of prohibited and conditional uses; the Restrictive Covenant is for the TIA (8-26-04).
C14-03-0186 (Tobin Tract)	SF-2 to GR-CO	To Grant GR-CO	Approved GR-CO with CO for list of prohibited uses, and exterior lighting requirements; fiscal surety (3-4-04).
C14-03-0066 (Wal-mart: IH-35 and Slaughter Lane)	RR; SF-2; LI-CO; CS-CO and CS to GR	To Grant GR-CO with conditions of the TIA	Approved GR-CO with CO provide a 6' fence and landscaping along Cullen Lane; 2) direct all traffic south on Cullen Lane by way of limited function driveways onto Cullen Lane that allow right-in and left-out movements only; 3) the use of shielded / hooded lights throughout the site; and, 4) a list of prohibited uses and one accessory use. The Restrictive Covenant is for the TIA memorandum and an Integrated Pest

			Management (IPM) Plan and a landscape plan for the use of native and adapted plant materials. (10-30-03)
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RELATED CASES:

The subject property was annexed into the City limits on December 31, 1997. There are three other related zoning cases under consideration for the Harrell property. Nearly 110 acres along South First Street, the IH-35 frontage road and Old San Antonio Road are proposed to be rezoned in two tracts for unified shopping center and restaurant development (GR-MU – Tract 1A; CS-CO – Tract 1B in C14-04-0124). Approximately 23 acres along South First Street, which is surrounded by Tract 1A, is proposed for MF-2 zoning (C14-04-0125). Retail development and CS zoning is proposed for over five acres situated at the southeast corner of IH-35 and Old San Antonio Road (C14-04-0160).

There are no related subdivision or site plan cases on the subject property.

ABUTTING STREETS:

STREET	RIGHT-OF-WAY	PAVEMENT WIDTH	CLASSIFICATION	DAILY TRAFFIC
IH-35 frontage road	Varies	Varies	Freeway, 6 lanes	115,000 (2000)
Old San Antonio Road	60 feet	Varies	Two-lane undivided Collector	1,194 (2000)

- There are no sidewalks along Old San Antonio Road or the IH-35 frontage road.
- IH-35 is classified in the Bicycle Plan as a Priority 2 bike route. Old San Antonio Road is not classified in the Austin Bicycle Plan.
- Capital Metro bus service is not available in this area.

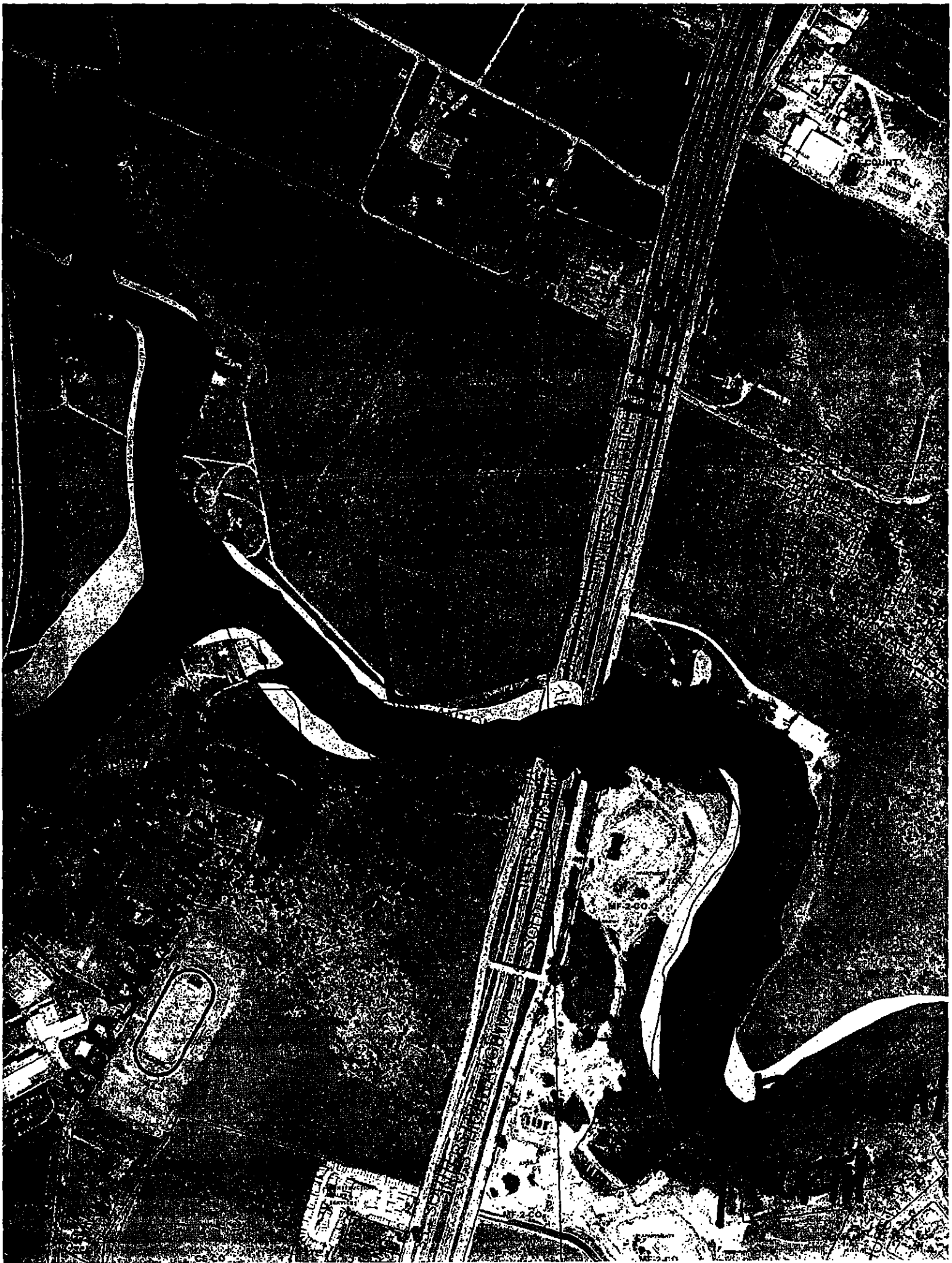
CITY COUNCIL DATE: December 2, 2004 **ACTION:**

ORDINANCE READINGS: 1st 2nd 3rd

ORDINANCE NUMBER:

CASE MANAGER: Wendy Walsh
e-mail: wendy.walsh@ci.austin.tx.us

PHONE: 974-7719





Date: October 28, 2004
To: Wendy Walsh, Case Manager
CC: Lynn Ann Carley, P.E. WHM Transportation Engineering
Reference: Harrell Property TIA, C14-04-0124, 0125 and 0126

The Transportation Review Section has reviewed the Traffic Impact Analysis for the Harrell Property, dated July 2004, prepared by Lynn Ann Carley, P.E., WHM Transportation Engineering, and offers the following comments:

TRIP GENERATION

Harrell Property is a 170-acre development located in south Austin at the northwest intersection of Old San Antonio Road and IH-35.

The property is currently undeveloped and zoned Interim Rural Residence (I-RR). The applicant has requested a zoning change to Community Commercial (GR), Commercial Services (CS) and Multi Family. The estimated completion of the project is expected in the year 2007.

Based on the standard trip generation rates established by the Institute of Transportation Engineers (ITE), the development will generate approximately 49,835 unadjusted average daily trips (ADT).

The table below shows the adjusted trip generation by land use for the proposed development:

Table 1. Trip Generation				
LAND USE	Size	ADT	AM Peak	PM Peak
Shopping Center	625,000	13,275	279	1,246
High Turn Over Restaurant	65,000	4,240	384	364
Fast Food Restaurant with Drive Thru	28,000	6,313	683	437
Car Sales	60,000	2,000	123	159
Multi Family	529du	3,330	263	309
Total		29,158	1,732	2,515

ASSUMPTIONS

1. Traffic growth rates provided by the City of Austin were as follows:

Table 2. Growth Rates per Year	
Roadway Segment	%
All Roads	3%

ATTACHMENT A

2. In addition to these growth rates, background traffic volumes for 2004 included estimated traffic volumes for the following projects:

Double Creek Village	C14-03-0053
Double Creek	C14-04-0018, C14-04-0019, C14-04-0020
166 W Slaughter	C14-04-0036
Slaughter at Cullen Commercial	C14-04-0037
Tobin Tract*	C14-03-0186
Slaughter Lane at South I-35	C14-03-0066/SP-03-0283C
Rhodes Congress Ave LTD	SP-03-0198C
Stone Creek Ranch Apartments	SP-02-0158C.SH; SP-01-0527D
Capital View Estates	SP-01-0354D
Fairfield at Slaughter	SP-01-0044C
Parkside at Slaughter Lane	C8J-02-0198
Brandt Road Industrial Park	C8J-03-0046
Slaughter Lane Commercial Park	C8-01-0074.0A
South Park Meadows Tract 1	C14-04-0075
Janssen Tract	C14-04-0094

3. Reductions were taken for pass-by for the following uses:

Table 3. Summary of Pass-By and Internal Capture Reductions		
Land Use	Pass-By Reductions %	
	AM	PM
Shopping Center	34%	34%
High Turnover Restaurant	43%	43%
Fast Food Restaurant w/ Drive Thru	49%	49%

4. A 10% reduction was taken for internal capture for the shopping center, high turnover restaurant and fast food restaurant.
5. No reductions were taken for transit use.

EXISTING AND PLANNED ROADWAYS

Slaughter Lane – Slaughter Lane is located north of the property. This roadway is classified as a six-lane divided major arterial between Manchaca Road and IH 35. The 1997 traffic volumes on Slaughter Lane were approximately 27,560 and 30,210 vehicles per day (vpd), respectively, east and west of South 1st Street. Slaughter Lane is in the Bicycle Plan as a priority 1 route.

IH 35 – This roadway is classified as a six-lane freeway. The traffic volumes for year 2000 on IH 35 near Slaughter Lane were 115,000vpd. The Austin Metropolitan Area Transportation Plan classifies IH 35 as an eight-lane freeway with HOV lanes between William Cannon Drive and Slaughter Lane and as an eight-lane freeway between Slaughter Lane and FM 1626 in 2025. The southbound exit ramp south of Slaughter Lane near the intersection of Turk Lane will be extended by TXDOT. This roadway is in the Bicycle Plan as a priority 2 route.

South 1st Street – South 1st is located west of the site and is classified as a four-lane undivided minor arterial in the Roadway Plan. The traffic volume on South 1st Street north of Slaughter Lane was approximately 7,110vpd in 1997. This roadway is classified as a priority 2 route in the Bicycle Plan.

FM 1626 – This roadway is classified as a 2 lane undivided major arterial with traffic volumes of 8,500vpd in 2002. A portion of this roadway is planned to be widened as part of the Double Creek Village Phase II TIA. This roadway is classified as a Priority 2 route in the Bicycle Plan.

Old San Antonio Road – This roadway is a two lane undivided collector roadway. In 2000 the traffic volumes west of IH35 were approximately 1,194vpd. This roadway is not classified in the Austin Bicycle Plan.

INTERSECTION LEVEL OF SERVICE (LOS)

The TIA analyzed 16 intersections, 7 of which are or will be signalized. Existing and projected levels of service are as follows, assuming that all improvements recommended in the TIA are built:

Table 4. Level of Service				
Intersection	2004 Existing		2007 Site + Forecasted	
	AM	PM	AM	PM
IH-35 EFR and Slaughter Lane*	F	E	F	F
IH-35 WFR and Slaughter Lane*	B	B	D	E
South 1 st Street and Slaughter Lane*	D	D	C	D
IH-35 EFR and Slaughter Creek Overpass*	A	A	B	B
IH-35 WFR and Slaughter Creek Overpass*	A	A	C	D
IH-35 WFR and Old San Antonio Road	A	A	A	D
South 1 st Street and FM 1626*	A	A	A	A
Old San Antonio Road and FM 1626*	A	A	B	C
Driveway A and IH-35 WFR			A	C
Driveway B and IH-35 WFR			A	A
Driveway C and IH-35 WFR			A	A
Driveway D and Old San Antonio Road			A	A
Driveway E and Old San Antonio Road			A	A
Driveway F and South 1 st Street			A	A
Driveway G and South 1 st Street			A	A
Driveway H and South 1 st Street			A	C

* = SIGNALIZED

RECOMMENDATIONS

- 1) Prior to 3rd reading at City Council, fiscal is required to be posted for the following improvements:

Intersection	Improvements
Slaughter Ln. and IH-35	NB dual left turn lane
	NB right turn lane
	Restripe SB approach to provide 1 left and 1 left/through
South 1 st Street and Slaughter Lane	Construct southbound left turn lane
	Construct westbound right turn lane
	Construct add'l northbound left turn lane
	Construct eastbound right turn lane
	Optimize signal timing and phasing

Old San Antonio Road and FM 1626	Install a traffic signal
Slaughter Creek Overpass and IH-35	Restripe the southbound approach to provide 1 left turn lane and 1 through/right shared lane
	Install a traffic signal

- 2) Approval from Public Works will be required for all new median breaks along arterial roadways at the time the median break is proposed.
- 3) Additional right-of-way dedication and/or reservation may be required with the subdivision and/or site plan(s) for boundary roadways including possible upgrades to existing facilities. This includes right-of-way dedication for accel/decel lanes.
- 4) Driveway alignment and minimum widths are recommended as stated in the TIA.
- 5) Three copies of the final TIA are required to be submitted prior to 3rd Reading at City Council.
- 6) Final approval from DPWT ~ Signals and TXDOT is required prior to 1st Reading.
- 7) Development of this property should be limited to uses and intensities which will not exceed or vary from the projected traffic conditions assumed in the TIA, including peak hour trip generations, traffic distribution, roadway conditions, and other traffic related characteristics.

If you have any questions or require additional information, please contact me at 974-2788.



Emily M. Barron
Sr. Planner - Transportation Review Staff
Watershed Protection and Development Review

SUMMARY STAFF RECOMMENDATION:

The staff's recommendation is to grant general commercial services – conditional overlay (CS-CO) combining district zoning. The Conditional Overlay prohibits the following uses: equipment sales; pawn shop services; campground; bail bond services; kennels; commercial blood plasma center; adult-oriented uses; exterminating services; monument retail sales; residential treatment; transitional housing; and drop-off recycling collection facility.

The Restrictive Covenant includes all recommendations listed in the Traffic Impact Analysis memorandum, dated October 28, 2004, as provided in Attachment A.

BACKGROUND

The subject rezoning area consists of a portion of the Harrell Ranch, is presently used for agricultural purposes, accesses the IH-35 frontage road and Old San Antonio Road and is zoned interim – rural residence (I-RR) district. Within the past 1½ years, zoning for new commercial development and redevelopment has been approved on the south side of West Slaughter Lane in proximity to the IH-35 frontage road and at its intersection with FM 1626 (zoned GR-CO – Wal-Mart, South Park Meadows and CS-CO – Janssen Tract, Double Creek Village).

The applicant proposes to develop an automobile dealership on the subject tract and requests general commercial services – conditional overlay (CS-CO) district. The applicant has offered to prohibit several uses, and these have been incorporated into the staff recommendation.

Staff recommends CS-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road which is suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process, and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) traffic improvements outlined in the Traffic Impact Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

CS, Commercial Services, zoning is intended for commercial or industrial uses that typically have operating characteristics or traffic service requirements generally incompatible with residential environments.

The property has access to the IH-35 frontage road, a freeway and Old San Antonio Road, a collector street.

- 2. Zoning changes should promote an orderly and compatible relationship among land uses.*

Staff recommends CS-CO zoning based on the following considerations of the property: 1) location on the southbound IH-35 frontage road which is suitable for commercial uses; 2) properties to the north that access Slaughter Lane and south along the IH-35 frontage road are in the development process, and have been approved for GR-CO or CS-CO zoning for similar commercial and retail development; and 3) traffic improvements outlined in the Traffic Impact

Analysis for the subject property and right-of-way will limit development to maintain acceptable traffic conditions on adjacent roadways and intersections.

EXISTING CONDITIONS

Site Characteristics

The zoning area is engaged in agricultural / ranching activities and the property slopes to the south, towards Slaughter Creek.

Impervious Cover

The maximum impervious cover allowed by the CS-CO zoning district would be 80%, which is based on the more restrictive watershed regulations.

Environmental

The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Slaughter Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

In the Water Quality Transition Zones, impervious cover is limited to 30%.

According to flood plain maps, there is flood plain in, or within close proximity of, the project location. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine whether transition zone exists within the project location. If transition zone is found to exist within the project area, allowable impervious cover within said zone shall be limited to 30%.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals which preempt current water quality or Code requirements.

TPSD Right-of-Way

The scope of this review is limited to the identification of needs for dedication and/or reservation of right-of-way for funded Capital Improvement Program (C.I.P.) Roadway Construction Projects and Transportation Systems Management (T.S.M.) Projects planned for implementation by the City of Austin. No aspect of the proposed project is being considered or approved with this review other than the need for right-of-way for City projects. There are separate right-of-way dedication and reservation requirements enforced by other Departments and other jurisdictions to secure right-of-way for roadway improvements contained in the Austin Metropolitan Area Roadway Plan, roadway projects funded by County and State agencies, and for dedication in accordance with the functional classification of the roadway.

We have reviewed the proposed zoning case and anticipate no additional requirement for right-of-way dedication or reservation for funded C.I.P. or T.S.M. projects at this location.

Transportation

A traffic impact analysis is required and has been received. Additional right-of-way, participation in roadway improvements, or limitations on development intensity may be recommended based on review of the TIA. [LDC, Sec. 25-6-142]. Comments are provided in Attachment A.

Water and Wastewater

The landowner intends to serve the tract with City water and wastewater utilities. Water and wastewater utility improvements and system upgrades are necessary to serve the tract, each lot, and land use. The landowner will be responsible for all costs and providing. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility. The plan must be in accordance with the City of Austin utility design criteria and specifications.

The landowner must pay all required water and wastewater utility tap permit, impact, construction inspection, and plan review fees

Compatibility Standards

Compatibility standards would not be triggered.

10/28/04 16:39 FAX 512 682 5505

ENDEAVOR RE GROUP LLC

0002

10-21-04 2:54PM

512 663 5251

Park Ridge Homeowners AssociationC/O Liddard Management Co.
12335 Hymeadow Dr., Suite 300
Austin, Texas 78750

May 21, 2004

Wendy Walsh, Neighborhood Planning and Zoning Department
Ms. Betty Baker, Chair
Mr. Joseph Martinez, Vice Chair
Mr. Keith Jackson, Parliamentarian
Ms. Melissa Whaley
Ms. Janis Pinnoli
Mr. Clarke Hammond
Mr. Jay A. Gohl
Mr. John Philip Donisi
Mr. John-Michael Vincent Cortez

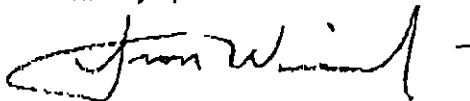
Re: Zoning change proposal for the 155 acre Hamell tract (South of Southpark Meadows)

Members of the Zoning and Platting Commission,

I would like to register Park Ridge's support for the zoning case requested by Endeavor Real-estate Group.

The proposed development plans put desirable retail further down I-35 than the Wal-Mart Super Center development, yet within driving distance of various residential areas. Endeavor has a track record of high-quality centers with a good mix of vendors. For our neighborhood, this kind of development, further down I-35, is a welcome one.

Thank you,



Aron Wieski
President, Park Ridge Homeowners Association
Cell -- (512) 470-7216

October 28, 2004

Ms. Betty Baker, Chair, and Zoning and Platting Commissioners
City of Austin
Austin, Texas

Re: Harrell Zoning Cases – City File Numbers C14-04-0124; C14-04-0125; C14-04-0126 and
C14-04-0160.

Dear Chairperson Baker and Commissioners:

My wife and I own property adjacent to the proposed zoning cases at 10140 Old San Antonio Road. I recently met with Mr. Andy Pastor of Endeavor Real Estate Group to discuss the proposed zonings and related project. Based upon my review of the proposed zonings, I support the zonings as presented by the applicant and recommended by City Staff.

I am interested in being consulted and involved in the design and location of any water detention pond system on the subject property that would discharge into Slaughter Creek or its tributaries that would affect water levels and flow adjacent to our property.

Please do not hesitate to contact me should you have any questions.

Sincerely,



Michael R. Aulick
10140 Old San Antonio Road
Austin, Texas 78748

cc: Wendy Walsh, Neighborhood Planning and Zoning Department, via hand delivery
✓ Andy Pastor, Endeavor Real Estate Group, via facsimile
✓ Michele Allen, DSWMvK, via facsimile 404-2244

ONION CREEK

HOMEOWNERS ASSOCIATION

10816 Crown Colony, Suite 205

Austin, Texas 78747

Tel: 512.280.8110

Fax: 512.280.8162

November 16, 2004

Ms Wendy Walsh
Neighborhood Planning & Zoning Department
City of Austin
PO Box 1088
Austin, Texas 78767-8835

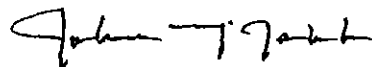
Re: Case No. C14-04-0124 (Tract 1A and Tract 1B)
Case No. C14-04-0125 (Tract 3)
Case No. C14-04-0126 (Tract 4)
Case No. C14-04-0160 (Tract 5)

Dear Ms Walsh:

On behalf of the HOA, we support the zoning applications referenced above. Mr. Pastor of Endeavor Real Estate Group and his representatives graciously took the initiative to meet with us and subsequently took our compatibility requests into account in the form of prohibited uses and restrictive covenant.

Please don't hesitate to contact us if there are any questions, and you can reach me anytime by calling 636-4499.

Sincerely,



John McNabb
President

Cc: Andrew R. Pastor, Principal, Endeavor Real Estate Group
Drenner, Stuart, Wolff, Metcalfe, von Kreisler, LLP (Michele Rogerson Allen)

Harrell Tract 4

List of Additional Prohibited Uses/Conditions

C14-04-0126 – A15

CS (13.886 acres)

Agricultural Sales and Services	Laundry Service
Transportation Terminal	

Prohibit via TIA Restrictive Covenant:

The minimum square footage for a Restaurant (Limited) use and Restaurant (General) use on a stand-alone pad site is 300 square feet.

ORDINANCE NO. _____

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE
2 PROPERTY LOCATED AT 10100-10182 SOUTH IH-35 SERVICE ROAD
3 SOUTHBOUND AND 10100-10128 OLD SAN ANTONIO ROAD AND CHANGING
4 THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR) DISTRICT
5 TO GENERAL COMMERCIAL SERVICES-CONDITIONAL OVERLAY (CS-CO)
6 COMBINING DISTRICT.

7
8 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:
9

10 **PART 1.** The zoning map established by Section 25-2-191 of the City Code is amended to
11 change the base district from interim rural residence (I-RR) district to general commercial
12 services-conditional overlay (CS-CO) combining district on the property described in
13 Zoning Case No. C14-04-0126, on file at the Neighborhood Planning and Zoning
14 Department, as follows:

15
16 A 13.886 acre tract of land, more or less, out of the S.F. Slaughter League Survey
17 No. 1, and the Santiago del Valle Grant, Travis County, the tract of land being
18 more particularly described by metes and bounds in Exhibit "A" incorporated into
19 this ordinance, (the "Property")
20

21 locally known as 10100-10182 South IH-35 Service Road southbound and 10100-10128
22 Old San Antonio Road, in the City of Austin, Travis County, Texas, and generally
23 identified in the map attached as Exhibit "B".
24

25 **PART 2.** The Property within the boundaries of the conditional overlay combining district
26 established by this ordinance is subject to the following conditions:
27

28 The following uses are prohibited uses of the Property:

29 Adult oriented businesses	Agricultural sales and services
30 Bail bond services	Campground
31 Commercial blood plasma center	Drop-off recycling collection facility
32 Equipment sales	Exterminating services
33 Kennels	Laundry Services
34 Monument retail sales	Pawn shop services
35 Residential treatment	Transitional housing
36 Transportation terminal	
37	

Except as specifically restricted under this ordinance, the Property may be developed and used in accordance with the regulations established for the general commercial services (CS) district and other applicable requirements of the City Code.

PART 3. This ordinance takes effect on _____, 2004.

PASSED AND APPROVED

_____, 2004 § _____

Will Wynn
Mayor

APPROVED: _____ **ATTEST:** _____
David Allan Smith Shirley A. Brown
City Attorney City Clerk

C14-04-0126

DESCRIPTION

DESCRIPTION OF 13.886 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1 AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS. BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 13.886 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with aluminum cap set in the occupied north line of Old San Antonio Road in the west right-of-way line of Interstate Highway No. 35 (300' R.O.W.), for the easternmost southeast corner of the herein described tract, same being the southwest corner of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, from which a fence post of an old barbed wire fence bears N72°13'23"W a distance of 1.37 feet;

THENCE with the west right-of-way line of Interstate Highway No. 35, S35°19'42"W a distance of 58.60 feet to a point for the southernmost southeast corner of the herein described tract, from which a 1/2 inch iron rod for an angle point in the west right-of-way line of Interstate Highway No. 35, and the east line of said Harrell tract, same being the northwest corner of that certain tract of land described in right-of-way deed to the State of Texas of record in Volume 1636, Page 374 of the Deed Records of Travis County, Texas, bears S35°19'42"W a distance of 72.41 feet;

THENCE over and across said Harrell tract with a line 28 feet north and parallel with the centerline of pavement of Old San Antonio Road, the following four (4) courses:

1. With the arc of a curve to the left an arc distance of 193.87 feet, having a radius of 603.00 feet, a central angle of 18°25'16", and a chord which bears S81°51'24"W a distance of 193.04 feet to a point;
2. S72°38'46"W a distance of 256.19 feet to a point at the beginning of a curve to the right;
3. With the arc of said curve to the right a distance of 377.68 feet, having a radius of 722.00 feet, a central angle of 29°58'19", and a chord which bears S87°37'56"W a distance of 373.39 feet to a point;
4. N77°22'55"W a distance of 70.73 feet to a point for the southwest corner of the herein described tract;

THENCE continuing over and across said Harrell tract N03°19'41"E at a distance of 1.24 feet passing a 1/2 inch iron rod with cap set in said barbed wire fence line, in all a total distance of 628.84 feet to a 1/2 inch iron rod with aluminum cap set for the northwest corner of the herein described tract;

THENCE N85°20'34"E a distance of 1006.93 feet to a 1/2 inch iron rod with aluminum cap set in the west right-of-way line of Interstate Highway No. 35 and the west line of said Condemnation No. 145 for the northeast corner of the herein described tract from which a 1/2 inch iron rod with "Chaparral" cap found in the west right-of-way line of Interstate Highway No. 35 bears N12°58'08"E a distance of 433.28 feet;

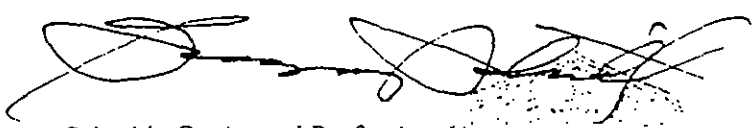
THENCE with the west right of way line of said Interstate Highway No. 35, the west line of said Condemnation No. 145 and with the east line of the herein described tract, S12°58'08"W passing at a distance of 214.03 feet a 5/8 inch iron rod found (TxDot Station 1310+00, 150' Rt.), in all a total distance of 572.59 feet to the POINT OF BEGINNING containing 13.886 acres within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.


Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
Date: 9/17/04

SHEET 1 OF 1

SCALE 1" = 200'

13.886 ACRES

MRS. E.R. HARRELL
CONDEMNATION NO. 145
VOL. 1, PG. 212 C.C.R.T.C.

W/CHAPARRAL
CAP
ENT
LY
7
33.28'

STATION
+00
RT.

INTERSTATE HIGHWAY

LDOT STATION
1310+00
150' RT.

P.O.B.

RIGHT-OF-WAY DEED
STATE OF TEXAS
VOL. 1638, PG. 374 D.R.T.C.

LEGEND

~~FP~~

BARBED WIRE FENCE
FENCE POST

1/2" IRON ROD FOUND (UNLESS STATED)

C.C.R.T.C.

COMMISSIONERS COURT RECORDS OF TRAVIS COUNTY

D.R.T.C.

DEED RECORDS OF TRAVIS COUNTY

R.P.R.T.C.

REAL PROPERTY RECORDS OF TRAVIS COUNTY

~~O.P.R.T.C.~~

OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

P.O.B.

POINT OF BEGINNING

SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437

DATE: 9/17/04

CA

Cunningham | Allen
Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	193.87	803.00	18°25'16"	97.78	193.04	S81°51'24"W
C2	377.68	722.00	29°58'19"	193.27	373.39	S87°37'56"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S35°19'42"W	58.60'
L2	N77°22'55"W	70.73'
L3	S35°19'42"W	72.41'

© COPYRIGHT 2004 CUNNINGHAM-ALLEN, INC.

CLIENT: -
DATE: 9/18/04

CREW: DED/JP

OFFICE: CG, BW
F.B.: -

PROJ # 277.1101
FILE NAME: REVISED ZONING AREA 4

Zoning Case No. C14-04-0124
Zoning Case No. C14-04-0125
Zoning Case No. C14-04-0126

RESTRICTIVE COVENANT

OWNER: Edwin Tabb Harrell

ADDRESS: 10116 Old San Antonio Road, Austin, TX 78748

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 50.805 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

A 58.440 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1 and the Santiago del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant; and

A 22.783 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this covenant; and

A 13.886 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1 and the Santiago del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "D" incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds the total traffic generation for the Property as specified in that certain Traffic Impact Analysis ("TIA") prepared by WHM Transportation Engineering Consultants, dated July 2004, or as amended and approved by the Director of the Watershed Protection and Development Review Department. All development on the Property is subject to the recommendations

contained in the memorandum from the Transportation Review Section of the Watershed Protection and Development Review Department, dated October 28, 2004. The TIA shall be kept on file at the Watershed Protection and Development Review Department.

2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.
3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2004.

OWNER:

Edwin Tabb Harrell

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____,
2004 by Edwin Tabb Harrell.

Notary Public, State of Texas

DESCRIPTION

DESCRIPTION OF 50.805 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 50.805 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found in the north line of said Harrell tract, for the southeast corner of that certain tract of land described in Street Deed to the City of Austin of record in Volume 11532, page 2216 of the Real Property Records of Travis County, Texas, for the southwest corner of that certain tract of land described in deed to Able J. and Mary Ann Theriot of record in Document No. 1999055181 of the Official Public Records of Travis County, Texas and for the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract and the north line of the herein described tract, S65°11'44"E at a distance of 1443.78 feet passing a 1/2 inch iron rod with cap set in all a total distance of 1543.17 feet to a point for the northeast corner of the herein described tract, from which a 1/2 inch iron rod with "Chaparral" cap found for the northwest corner of that certain tract of land described in deed to C.M. Gatton, Trustee of record in Document No. 2004059500 of the Official Public Records of Travis County, Texas, bears S65°11'44"E a distance of 922.42 feet;

THENCE over and across said Harrell tract, S12°16'49"W a distance of 2323.85 feet to a point in the centerline of Slaughter Creek, for the southeast corner of the herein described tract;

THENCE with the south line of the herein described tract, with the meanders of the centerline of said Slaughter Creek, the following six (6) courses:

1. S45°45'21"W a distance of 227.21 feet;
2. S43°30'00"W a distance of 191.36 feet;
3. S48°09'12"W a distance of 171.09 feet;
4. S46°46'38"W a distance of 211.45 feet;
5. S47°09'17"W a distance of 254.03 feet;
6. S74°36'31"W a distance of 363.01 feet to a point in the east right of way line of South First Street (120' R.O.W.) as described in Cause No. 2330 of record in Document No. 2000081379 of the Official Public Records of Travis County, Texas, for the southwest corner of the herein described tract;

THENCE with the east right-of-way line of South First Street and the west line of the herein described tract N21°20'02"E, passing at a distance of 96.75 feet a 1/2 inch iron rod found in all a total distance of 249.53 feet to a 1/2 inch iron rod with aluminum cap set;

THENCE leaving the east right-of-way line of South First Street with the west line of the herein described tract the following ten (10) courses:

1. N76°34'45"E a distance of 166.35 feet to a 1/2 inch iron rod with aluminum cap set;
2. N46°56'14"E a distance of 1128.23 feet to a 1/2 inch iron rod with aluminum cap set;
3. N32°19'57"W a distance of 552.11 feet to a 1/2 inch iron rod with aluminum cap set;
4. N05°18'17"E a distance of 429.00 feet to a 1/2 inch iron rod with aluminum cap set;
5. N37°24'55"E a distance of 277.94 feet to a 1/2 inch iron rod with aluminum cap set;
6. N13°13'17"W a distance of 83.26 feet to a 1/2 inch iron rod with aluminum cap set;
7. N88°14'58"W a distance of 437.26 feet to a 1/2 inch iron rod with aluminum cap set;
8. N53°43'58"W a distance of 283.69 feet to a 1/2 inch iron rod with aluminum cap set in the east right-of-way line of said South First Street;

THENCE with the east right-of-way line of said South First Street, the west line of the herein described tract the following two (2) courses:

1. N03°23'56"W a distance of 923.92 feet to a 1/2 inch iron rod with cap found at the beginning of a curve to the left, from which a 1/2 inch iron rod with "Harris" cap found in the west right of way line of said South First Street bears S86°35'25"W a distance of 120.06 feet;
2. With the arc of said curve to the left a distance of 405.76 feet, having a radius of 3952.97 feet, a central angle of 05°52'53", and a chord which bears N06°20'29"W a distance of 405.59 feet to the POINT OF BEGINNING, containing 50.805 acres of land within these metes and bounds.

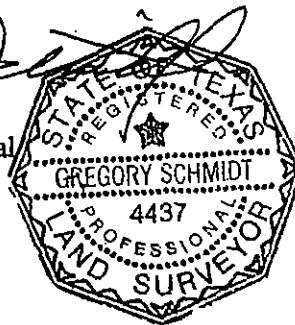
Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

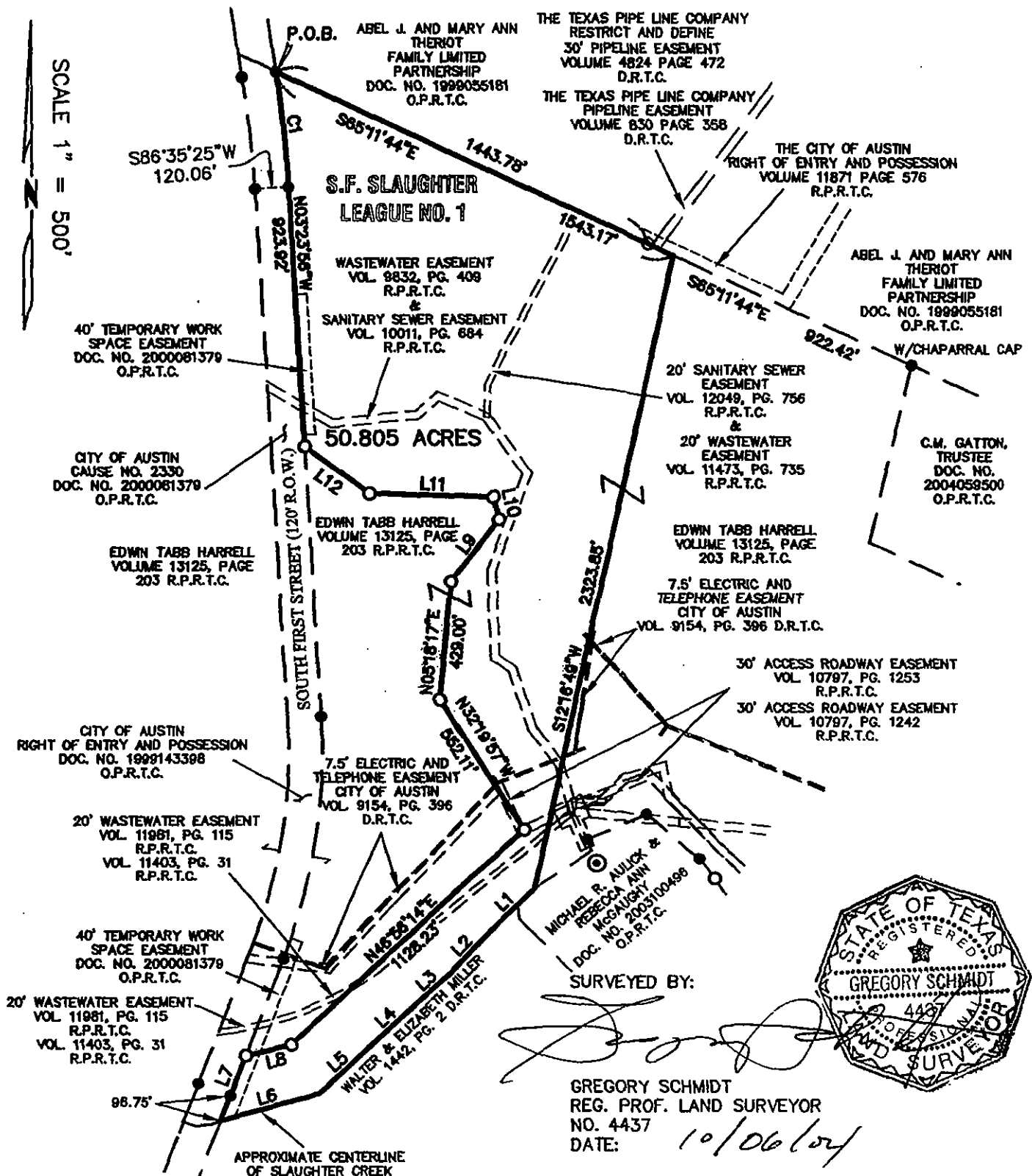
Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
Date: 10/06/04



SKETCH TO ACCOMPANY FIELD NOTES

SHEET 1 OF 2

SCALE 1" = 500'

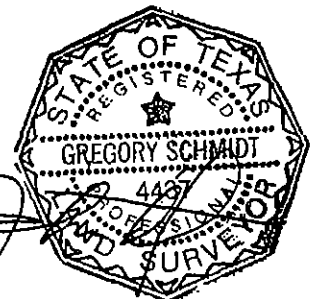


LEGEND

- 1/2" IRON ROD WITH ALUMINUM CAP SET
- 1/2" IRON ROD FOUND (UNLESS STATED)
- P.O.B. POINT OF BEGINNING
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 10/06/04



CA

Cunningham | Allen

Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

SKETCH TO ACCOMPANY FIELD NOTES

SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S45°45'21"W	227.21'
L2	S43°30'00"W	191.36'
L3	S48°09'12"W	171.09'
L4	S46°46'38"W	211.45'
L5	S47°09'17"W	254.03'
L6	S74°36'31"W	363.01'
L7	N21°20'02"E	249.53'
L8	N76°34'45"E	166.35'
L9	N37°24'55"E	277.94'
L10	N13°13'17"W	83.26'
L11	N88°14'58"W	437.26'
L12	N53°43'58"W	283.89'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	405.76	3952.97	5°52'53"	203.06	405.59	N06°20'29"W



Cunningham | Allen

Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

DESCRIPTION

DESCRIPTION OF 58.440 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 58.440 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with "Chaparral" cap found in the west right-of-way line of Interstate Highway 35, same being in the west line of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, and for the southeast corner of that certain tract of land described in deed to C.M. Gatton, Trustee of record in Document No. 2004059500 of the Official Public Records of Travis County, Texas, and for the most easterly northeast corner and POINT OF BEGINNING of the herein described tract, from which a 5/8" iron rod found in the east line of said Gatton tract, the west line of said Condemnation 145 and the west right-of-way line of said Interstate Highway 35, bears N12°58'08"W a distance of 352.75 feet;

THENCE S12°58'08"W with the west right of way line of said Interstate Highway No. 35, the west line of said Condemnation No. 145 and with the east line of the herein described tract, a distance of 433.28 feet to a 1/2 inch iron rod with aluminum cap set, from which a 5/8 inch iron rod found (TxDot Station 1310+00, 150' Rt.) in the west right-of-way line of Interstate Highway No. 35 bears S12°58'08"W a distance of 214.03 feet;

THENCE leaving the west right-of-way line of Interstate Highway No. 35, S85°20'34"W a distance of 1006.93 feet to a 1/2 inch iron rod with aluminum cap set ;

THENCE S03°19'41"W at a distance of 627.60 feet passing a 1/2 inch iron rod with aluminum cap set in a barbed wire fence on the occupied north line of Old San Antonio Road, in all a total distance of 628.84 feet to a point;

THENCE with a line 28 feet north and parallel with the centerline of pavement of Old San Antonio Road, N77°22'55"W a distance of 138.54 feet to a point;

THENCE N19°23'27"E at a distance of 2.90 feet passing a 1/2 inch iron with "Carson Bush" cap found for the most easterly southeast corner of that certain tract of land said to contain 0.765 acres of land in deed to Michael Richard Aulick and Rebecca Ann McGaughy of record in Document No. 2001042924 of the Official Public Records of Travis County, Texas, in all a total distance of 41.54 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the most easterly northeast

corner of said 0.765 acre tract;

THENCE continuing with the south line of the herein described tract and with the northeast line of said 0.765 acre tract the following five (5) courses:

1. N42°04'55"W a distance of 58.26 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
2. N40°44'31"W a distance of 52.55 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
3. N32°40'25"W a distance of 224.97 feet to a 1/2 inch iron rod with cap set;
4. N37°34'57"W a distance of 91.05 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
5. N48°51'32"W a distance of 248.75 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the northernmost corner of said 0.765 acre tract;

THENCE continuing with the south line of the herein described tract and with the northwest line of said 0.765 acre tract, S65°54'44"W a distance of 228.63 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the westernmost corner of said 0.765 acre tract;

THENCE with the southwest line of said 0.765 acre tract, S20°08'36"E a distance of 43.10 feet to the centerline of Slaughter Creek for the southwest corner of said 0.765 acre tract, same being a corner in the north line of that certain tract of land described as Tract 1, said to contain 3.354 acres of land in deed to Michael Richard Aulick and wife Rebecca Ann McGaughy of record in Volume 12070, Page 438 of the Real Property Records of Travis County, Texas, from which a 1/2 inch iron pipe found bears S20°09'26"E a distance of 49.34 feet;

THENCE continuing with the south line of the herein described tract, with the meanders of the centerline of said Slaughter Creek, S55°33'43"W a distance of 244.70 feet to a point for the southwest corner of the herein described tract;

THENCE over and across said Harrell tract with the west line of the herein described tract, N12°16'49"E a distance of 2323.85 feet to a point in the south line of that certain tract of land described in deed to Abel J. Theriot and Mary Ann Theriot of record in Document No. 1999055181 of the Official Public Records of Travis County, Texas, same being a point in the north line of said Harrell tract, for the northwest corner of the herein described tract, from which a 1/2 inch iron rod found in the east right-of-way line of South First Street (120' R.O.W.), for the southeast corner of that certain tract of land described in Street Deed to the City of Austin of record in Volume 11532, Page 2216 of the Real Property Records of Travis County, Texas, for the southwest corner of said Theriot tract, bears N65°11'44"W a distance of 1543.17 feet;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract and the north line of the herein described Tract, S65°11'44"E a distance of 922.42 feet to a 1/2 inch iron rod

with "Chaparral" cap found for the northwest corner of said Gatton tract and for the northernmost northeast corner of the herein described tract, from which a 1/2 inch iron rod found for the southernmost southeast corner of said Theriot tract and the southwest corner of said Janssen tract bears S65°11'44"E a distance of 383.35 feet;

THENCE with the west line of said Gatton tract, S12°58'08"W a distance of 653.06 feet to a 1/2 inch iron rod with "Chaparral" cap found;

THENCE with the south line of said Gatton tract, S65°05'53"E a distance of 1000.04 feet to the POINT OF BEGINNING, containing 58.440 acres of land within these metes and bounds.

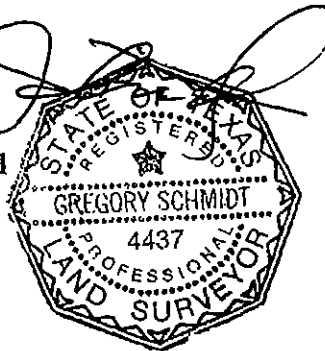
Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
Date: 10/06/04



SHEET 1 OF 2

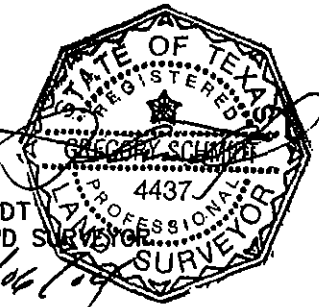
SCALE 1" = 500'

58.440 ACRES

RIGHT OF ENTRY AND POSSESSION DOC. NO. 1999143397 O.P.R.T.C.	RIGHT OF ENTRY AND POSSESSION DOC. NO. 1999143397 O.P.R.T.C.
20' TEMPORARY WORK SPACE EASEMENT DOC. NO. 2000081378 O.P.R.T.C.	20' TEMPORARY WORK SPACE EASEMENT DOC. NO. 2000081378 O.P.R.T.C.

SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND
NO. 4437
DATE: 10/06



LEGEND

- ½" IRON ROD WITH ALUMINUM CAP SET
● ½" IRON ROD FOUND (UNLESS STATED)
C.G.R.T.C. COMMISSIONERS COURT RECORDS OF TRAVIS COUNTY
D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
P.O.B. POINT OF BEGINNING

CA

Cunningham | Allen

Engineers • Surveyors

3103 Bec Cave Road, Suite 202

Austin, Texas 78746-6819

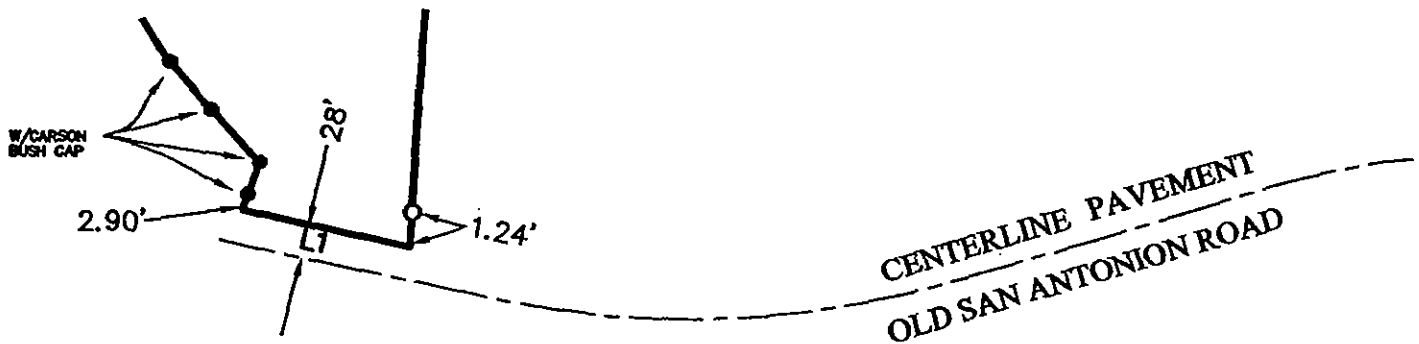
Tel.: (512) 327-2946

Fax: (512) 327-2973

SKETCH TO ACCOMPANY FIELD NOTES

SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	N77°22'55"W	138.54'
L2	N18°23'27"E	41.54'
L3	N42°04'55"W	58.26'
L4	N40°44'31"W	52.55'
L5	N32°40'25"W	224.97'
L6	N37°34'57"W	91.05'
L7	N48°51'32"W	248.75'
L8	S85°54'44"W	228.63'
L9	S20°08'36"E	43.10'
L10	S55°33'43"W	244.70'
L11	S12°58'08"W	214.03'
L12	N12°58'08"E	352.72'
L13	N12°55'33"E	300.41'



DETAIL
NOT TO SCALE



Cunningham | Allen

Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

C14-04-0125

DESCRIPTION

DESCRIPTION OF 22.763 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1 IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 22.763 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a ½ inch iron rod found in the east right-of-way line of South First Street (120' R.O.W.), as described in Cause No. 2330 of record in Document No. 2000081379 of the Official Public Records of Travis County, Texas, and in deed to the City of Austin of record in Document No. 1999143398 of the Official Public Records of Travis County, Texas, from which the intersection of the east right-of-way line of South First Street and the approximate centerline of Slaughter Creek bears S21°20'02"W a distance of 96 feet;

THENCE with the east right-of-way line of South First Street N21°20'02"E a distance of 152.78 feet to a ½ inch iron rod with aluminum cap set for the southwest corner of the herein described tract and the POINT OF BEGINNING;

THENCE continuing with the east right of way line of said South First Street, the west line of the herein described tract the following three (3) courses:

1. N21°20'02"E a distance of 369.50 feet to a 1/2 inch iron rod found at the beginning of a curve to the left;
2. With the arc of said curve to the left a distance of 889.30 feet, having a radius of 2060.00 feet, a central angle of 24°44'04", and a chord which bears N08°58'39"E a distance of 882.41 feet to a 1/2 inch iron rod with "Harris" cap found;
3. N03°23'56"W a distance of 971.55 feet to a 1/2 inch iron rod with aluminum cap set for the northwest corner of the herein described tract from which a ½ inch iron rod with cap found at the beginning of a curve to the left bears N03°23'56"W a distance of 923.92 feet;

THENCE leaving the east right-of-way line of South First Street with the north line of the herein described tract the following two (2) courses:

1. S53°43'58"E a distance of 283.69 feet to a ½ inch iron rod with aluminum cap set;
2. S88°14'58"E a distance of 437.26 feet to a ½ inch iron rod with aluminum cap set for the most northerly northeast corner of the herein described tract;

THENCE with the east line of the herein described tract the following four (4) courses:

1. S13°13'17"E a distance of 83.26 feet to a ½ inch iron rod with aluminum cap set;
2. S37°24'55"W a distance of 277.94 feet to a ½ inch iron rod with aluminum cap set;
3. S05°18'17"W a distance of 429.00 feet to a ½ inch iron rod with aluminum cap set;
4. S32°19'57"E a distance of 552.11 feet to a ½ inch iron rod with aluminum cap set for the most easterly southeast corner of the herein described tract;

THENCE with the south line of the herein described tract the following two (2) courses:


1. S46°56'14"W a distance of 1128.23 feet to a ½ inch iron rod with aluminum cap set;
2. S76°34'45"W a distance of 166.35 feet to the POINT OF BEGINNING containing 22.763 acres within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

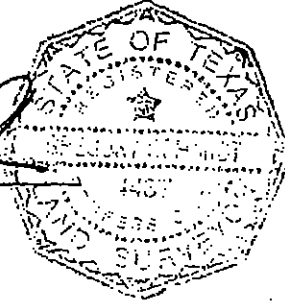
Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
July 8, 2004



SKETCH TO ACCOMPANY FIELD NOTES

SHEET 1 OF 1

SCALE 1" = 300'

CITY OF AUSTIN
CAUSE NO. 2330
DOC. NO. 2000081379
O.P.R.T.C.

EDWIN TABB HARRELL
VOLUME 13125, PAGE 203
R.P.R.T.C.

EDWIN TABB HARRELL
VOLUME 13125, PAGE 203
R.P.R.T.C.

EDWIN TABB HARRELL
VOLUME 13125, PAGE 203
R.P.R.T.C.

22.763 ACRES

LEGEND

- 1/2" IRON ROD WITH ALUMINUM CAP SET
- 1/2" IRON ROD FOUND (UNLESS STATED)
- C.C.R.T.C. COMMISSIONERS COURT RECORDS OF TRAVIS COUNTY
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- P.O.B. POINT OF BEGINNING

CITY OF AUSTIN
RIGHT OF ENTRY AND
POSSESSION
DOC. NO. 1889143398
O.P.R.T.C.

7.5" ELECTRIC AND TELEPHONE
EASEMENT
CITY OF AUSTIN
VOL. 9154, PG. 396 D.R.T.C.

30' ACCESS ROADWAY EASEMENT
VOL. 10797, PG. 1253
R.P.R.T.C.

30' ACCESS ROADWAY EASEMENT
VOL. 10797, PG. 1242
R.P.R.T.C.

APPROXIMATE LOCATION
RIGHT OF ENTRY AND
POSSESSION DOC. NO.
2000039035 O.P.R.T.C.

7.5" ELECTRIC AND
TELEPHONE EASEMENT
CITY OF AUSTIN
VOL. 9154, PG. 396
D.R.T.C.

30' ACCESS ROADWAY EASEMENT
VOL. 10797, PG. 1253
R.P.R.T.C.

30' ACCESS ROADWAY EASEMENT
VOL. 10797, PG. 1242
R.P.R.T.C.

MICHAEL R. AULICK AND
REBECCA ANN MCGAUGHY
DOC. NO. 2003100496
O.P.R.T.C.

20' WASTEWATER EASEMENT
VOL. 11881, PG. 115
R.P.R.T.C.
VOL. 11403, PG. 31
R.P.R.T.C.

TEMPORARY
CONSTRUCTION
EASEMENT
VOL. 11403, PG. 31
R.P.R.T.C.

P.O.B.

STREET R.O.W. (120' R.O.W.)
SOUTH FIRST STREET
EXTENSION
CITY OF AUSTIN
EXHIBIT A
CAUSE NO. 2330
DOC. NO. 2000081379
O.P.R.T.C.

40' TEMPORARY WORK
SPACE EASEMENT
DOC. NO. 2000081379
O.P.R.T.C.

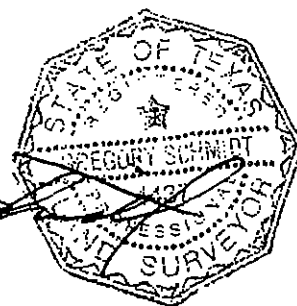
P.O.C.

EDWIN TABB HARRELL
VOLUME 13125, PAGE 203
R.P.R.T.C.

WALTER & ELIZABETH MILLT
VOL. 1442, PG. 2 D.R.T.C.

SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 7/8/04



LINE TABLE		
LINE	BEARING	LENGTH
L1	S21°20'02"W	96
L2	N21°20'02"E	152.78
L3	N03°23'56"W	923.92
L4	S13°13'17"E	83.26
L5	S76°34'45"W	166.35

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	889.30	2060.00	24°44'04"	N08°58'39"E	882.41

APPROXIMATE CENTERLINE
OF SLAUGHTER CREEK

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

CA
Cunningham | Allen
Engineers • Surveyors

C14-04-0126

DESCRIPTION

DESCRIPTION OF 13.886 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1 AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 13.886 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with aluminum cap set in the occupied north line of Old San Antonio Road in the west right-of-way line of Interstate Highway No. 35 (300' R.O.W.), for the easternmost southeast corner of the herein described tract, same being the southwest corner of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, from which a fence post of an old barbed wire fence bears N72°13'23"W a distance of 1.37 feet;

THENCE with the west right-of-way line of Interstate Highway No. 35, S35°19'42"W a distance of 58.60 feet to a point for the southernmost southeast corner of the herein described tract, from which a 1/2 inch iron rod for an angle point in the west right-of-way line of Interstate Highway No. 35, and the east line of said Harrell tract, same being the northwest corner of that certain tract of land described in right-of-way deed to the State of Texas of record in Volume 1636, Page 374 of the Deed Records of Travis County, Texas, bears S35°19'42"W a distance of 72.41 feet;

THENCE over and across said Harrell tract with a line 28 feet north and parallel with the centerline of pavement of Old San Antonio Road, the following four (4) courses:

1. With the arc of a curve to the left an arc distance of 193.87 feet, having a radius of 603.00 feet, a central angle of 18°25'16", and a chord which bears S81°51'24"W a distance of 193.04 feet to a point;
2. S72°38'46"W a distance of 256.19 feet to a point at the beginning of a curve to the right;
3. With the arc of said curve to the right a distance of 377.68 feet, having a radius of 722.00 feet, a central angle of 29°58'19", and a chord which bears S87°37'56"W a distance of 373.39 feet to a point;
4. N77°22'55"W a distance of 70.73 feet to a point for the southwest corner of the herein described tract;

THENCE continuing over and across said Harrell tract N03°19'41"E at a distance of 1.24 feet passing a 1/2 inch iron rod with cap set in said barbed wire fence line, in all a total distance of 628.84 feet to a 1/2 inch iron rod with aluminum cap set for the northwest corner of the herein described tract;

THENCE N85°20'34"E a distance of 1006.93 feet to a 1/2 inch iron rod with aluminum cap set in the west right-of-way line of Interstate Highway No. 35 and the west line of said Condemnation No. 145 for the northeast corner of the herein described tract from which a 1/2 inch iron rod with "Chaparral" cap found in the west right-of-way line of Interstate Highway No. 35 bears N12°58'08"E a distance of 433.28 feet;

THENCE with the west right of way line of said Interstate Highway No. 35, the west line of said Condemnation No. 145 and with the east line of the herein described tract, S12°58'08"W passing at a distance of 214.03 feet a 5/8 inch iron rod found (TxDot Station 1310+00, 150' Rt.), in all a total distance of 572.59 feet to the POINT OF BEGINNING containing 13.886 acres within these metes and bounds.

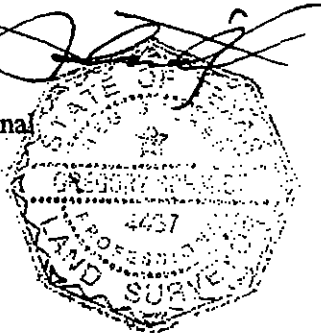
Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

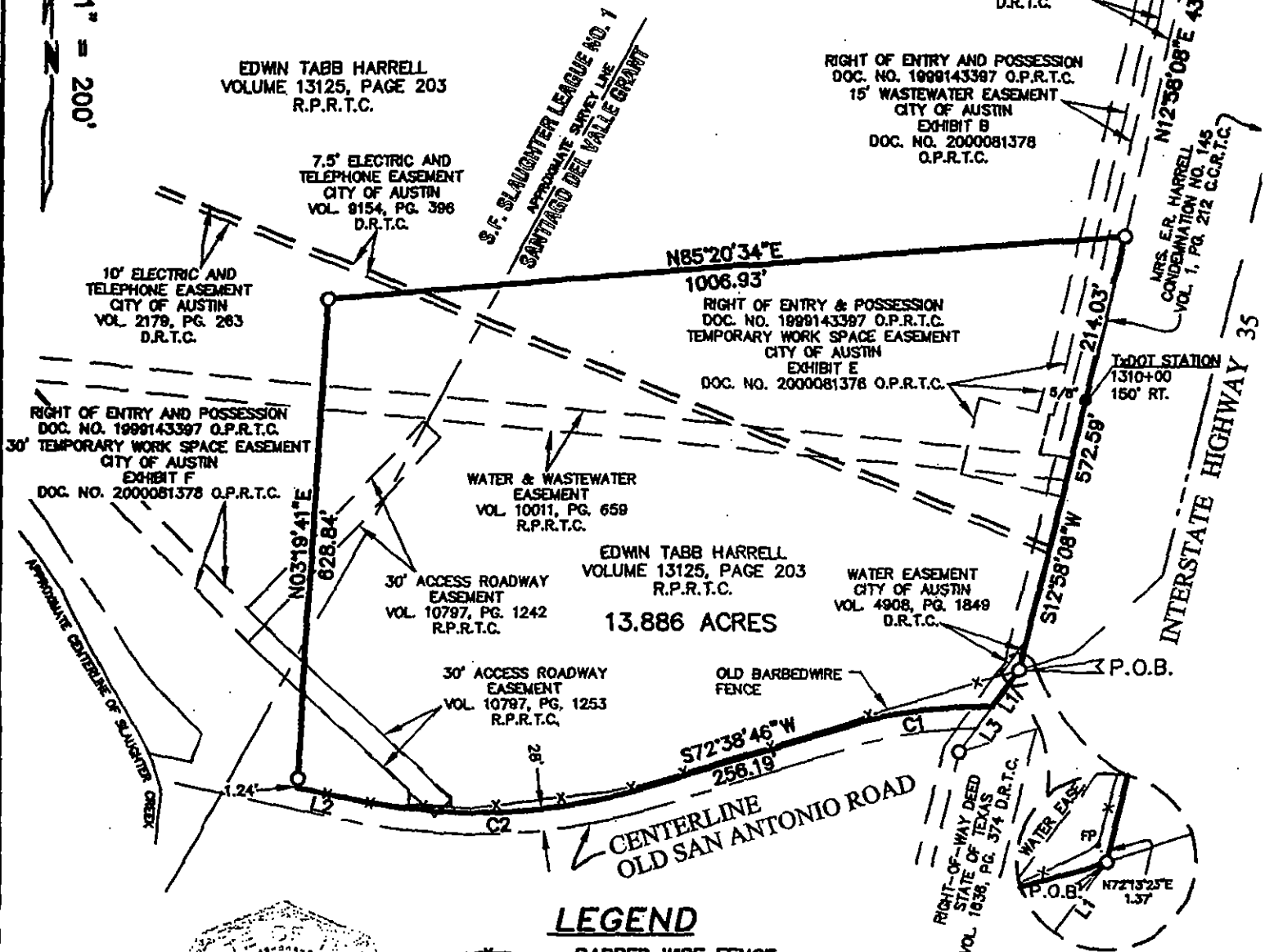
Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
Date: 9/17/04



SKETCH TO ACCOMPANY FIELD NOTES

SHEET 1 OF 1

SCALE 1" = 200'



LEGEND

- * BARBED WIRE FENCE
- FP. FENCE POST
- 1/2" IRON ROD FOUND (UNLESS STATED)
- C.C.R.T.C. COMMISSIONERS COURT RECORDS OF TRAVIS COUNTY
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- P.O.B. POINT OF BEGINNING

SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 9/17/04

CA
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Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

CURVE TABLE

CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	193.87	603.00	18°25'16"	97.78	193.04	S81°51'24"W
C2	377.68	722.00	29°58'19"	193.27	373.39	S87°37'56"W

LINE TABLE

LINE	BEARING	LENGTH
L1	S35°19'42"W	58.60'
L2	N77°22'55"W	70.73'
L3	S35°19'42"W	72.41'

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After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant

Zoning Case No. C14-04-0124
Zoning Case No. C14-04-0126
Zoning Case No. C14-04-0160

RESTRICTIVE COVENANT

OWNER: Edwin Tabb Harrell

ADDRESS: 10116 Old San Antonio Road, Austin, TX 78748

CONSIDERATION: Ten and No/100 Dollars (\$10.00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged.

PROPERTY: A 50.805 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "A" incorporated into this covenant; and

A 58.440 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1 and the Santiago del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "B" incorporated into this covenant; and

A 13.886 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1 and the Santiago del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this covenant; and

A 5.162 acre tract of land, more or less, out of the S.F. Slaughter League Survey No. 1 and the Santiago del Valle Grant, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "D" incorporated into this covenant.

WHEREAS, the Owner of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions;

NOW, THEREFORE, it is declared that the Owner of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant. These covenants and restrictions shall run with the land, and shall be binding on the Owner of the Property, its heirs, successors, and assigns.

1. The minimum square footage for a restaurant (limited) use and restaurant (general) use on a stand-alone pad site is 300 square feet.
2. If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant, to prevent the person or entity from such actions, and to collect damages for such actions.

3. If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect.
4. If at any time the City of Austin fails to enforce this agreement, whether or not any violations of it are known, such failure shall not constitute a waiver or estoppel of the right to enforce it.
5. This agreement may be modified, amended, or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination.

EXECUTED this the _____ day of _____, 2004.

OWNER:

Edwin Tabb Harrell

APPROVED AS TO FORM:

Assistant City Attorney
City of Austin

THE STATE OF TEXAS §

COUNTY OF TRAVIS §

This instrument was acknowledged before me on this the ____ day of _____, 2004 by Edwin Tabb Harrell.

Notary Public, State of Texas

C14-04-0124

DESCRIPTION

DESCRIPTION OF 50.805 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 50.805 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod found in the north line of said Harrell tract, for the southeast corner of that certain tract of land described in Street Deed to the City of Austin of record in Volume 11532, page 2216 of the Real Property Records of Travis County, Texas, for the southwest corner of that certain tract of land described in deed to Able J. and Mary Ann Theriot of record in Document No. 1999055181 of the Official Public Records of Travis County, Texas and for the northwest corner and POINT OF BEGINNING of the herein described tract;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract and the north line of the herein described tract, S65°11'44"E at a distance of 1443.78 feet passing a 1/2 inch iron rod with cap set in all a total distance of 1543.17 feet to a point for the northeast corner of the herein described tract, from which a 1/2 inch iron rod with "Chaparral" cap found for the northwest corner of that certain tract of land described in deed to C.M. Gatton, Trustee of record in Document No. 2004059500 of the Official Public Records of Travis County, Texas, bears S65°11'44"E a distance of 922.42 feet;

THENCE over and across said Harrell tract, S12°16'49"W a distance of 2323.85 feet to a point in the centerline of Slaughter Creek, for the southeast corner of the herein described tract;

THENCE with the south line of the herein described tract, with the meanders of the centerline of said Slaughter Creek, the following six (6) courses:

1. S45°45'21"W a distance of 227.21 feet;
2. S43°30'00"W a distance of 191.36 feet;
3. S48°09'12"W a distance of 171.09 feet;
4. S46°46'38"W a distance of 211.45 feet;
5. S47°09'17"W a distance of 254.03 feet;
6. S74°36'31"W a distance of 363.01 feet to a point in the east right of way line of South First Street (120' R.O.W.) as described in Cause No. 2330 of record in Document No. 2000081379 of the Official Public Records of Travis County, Texas, for the southwest corner of the herein described tract;

THENCE with the east right-of-way line of South First Street and the west line of the herein described tract N21°20'02"E, passing at a distance of 96.75 feet a 1/2 inch iron rod found in all a total distance of 249.53 feet to a 1/2 inch iron rod with aluminum cap set;

THENCE leaving the east right-of-way line of South First Street with the west line of the herein described tract the following ten (10) courses:

1. N76°34'45"E a distance of 166.35 feet to a 1/2 inch iron rod with aluminum cap set;
2. N46°56'14"E a distance of 1128.23 feet to a 1/2 inch iron rod with aluminum cap set;
3. N32°19'57"W a distance of 552.11 feet to a 1/2 inch iron rod with aluminum cap set;
4. N05°18'17"E a distance of 429.00 feet to a 1/2 inch iron rod with aluminum cap set;
5. N37°24'55"E a distance of 277.94 feet to a 1/2 inch iron rod with aluminum cap set;
6. N13°13'17"W a distance of 83.26 feet to a 1/2 inch iron rod with aluminum cap set;
7. N88°14'58"W a distance of 437.26 feet to a 1/2 inch iron rod with aluminum cap set;
8. N53°43'58"W a distance of 283.69 feet to a 1/2 inch iron rod with aluminum cap set in the east right-of-way line of said South First Street;

THENCE with the east right-of-way line of said South First Street, the west line of the herein described tract the following two (2) courses:

1. N03°23'56"W a distance of 923.92 feet to a 1/2 inch iron rod with cap found at the beginning of a curve to the left, from which a 1/2 inch iron rod with "Harris" cap found in the west right of way line of said South First Street bears S86°35'25"W a distance of 120.06 feet;
2. With the arc of said curve to the left a distance of 405.76 feet, having a radius of 3952.97 feet, a central angle of 05°52'53", and a chord which bears N06°20'29"W a distance of 405.59 feet to the POINT OF BEGINNING, containing 50.805 acres of land within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

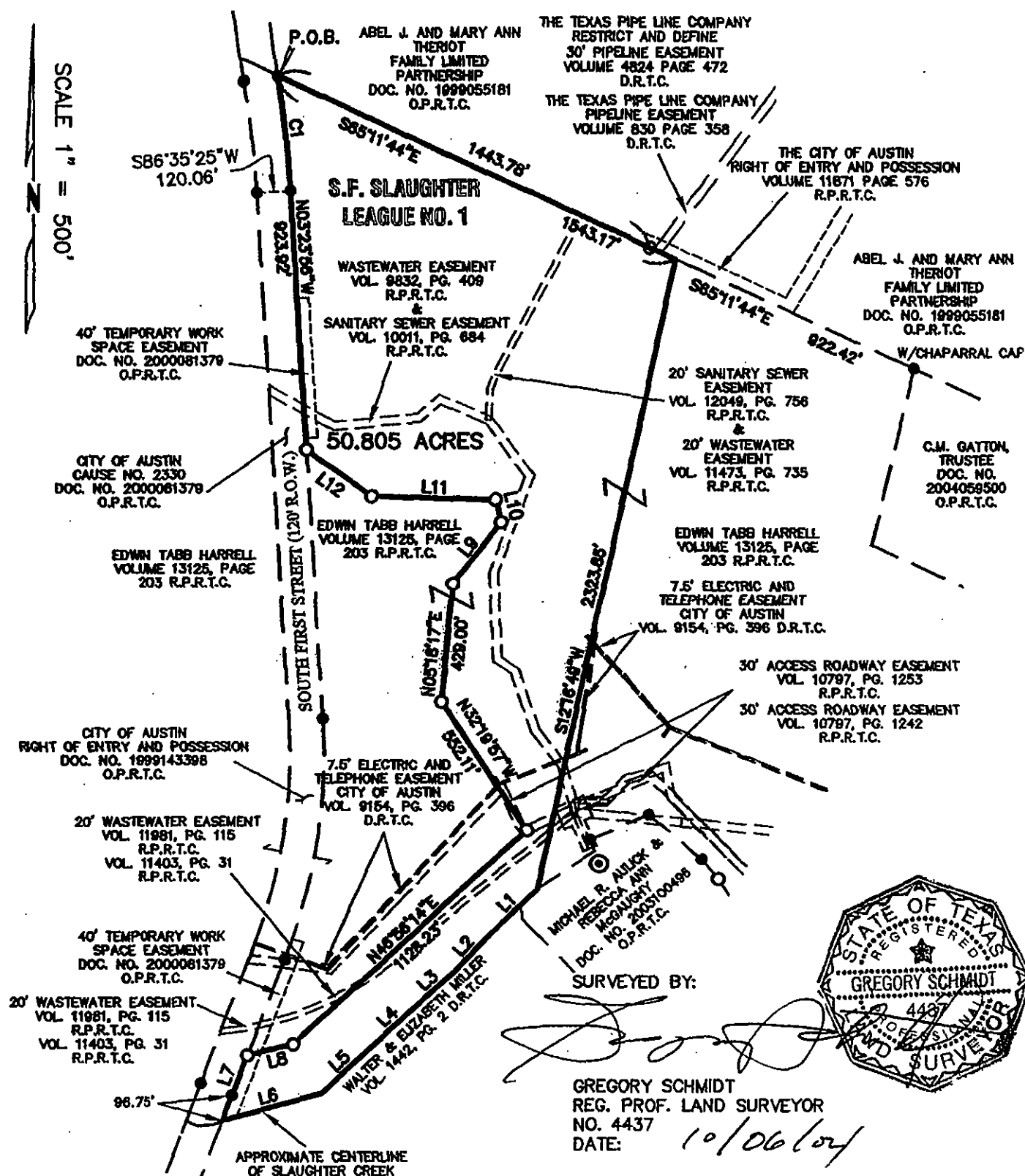
I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
Date: 10/06/04

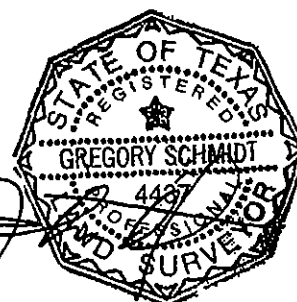


SCALE 1" = 500'



○ ½" IRON ROD WITH ALUMINUM CAP SET
 ● ½" IRON ROD FOUND (UNLESS STATED)
 P.O.B. POINT OF BEGINNING
 P.R.T.C. DEED RECORDS OF TRAVIS COUNTY
 P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
 P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 10/06/00



3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel: (512) 327-2946

Fax: (512) 327-2973

CA
Cunningham | Allen
Engineers • Surveyors

SKETCH TO ACCOMPANY FIELD NOTES

SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S45°45'21"W	227.21'
L2	S43°30'00"W	191.36'
L3	S48°08'12"W	171.09'
L4	S48°46'38"W	211.45'
L5	S47°09'17"W	254.03'
L6	S74°36'31"W	363.01'
L7	N21°20'02"E	249.53'
L8	N76°34'45"E	166.35'
L9	N37°24'55"E	277.94'
L10	N13°13'17"W	83.26'
L11	N88°14'58"W	437.28'
L12	N53°43'58"W	283.69'

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	405.76	3952.97	S52°53"	203.06	405.59	N06°20'29"W



Cunningham | Allen

Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

DESCRIPTION

DESCRIPTION OF 58.440 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 58.440 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with "Chaparral" cap found in the west right-of-way line of Interstate Highway 35, same being in the west line of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, and for the southeast corner of that certain tract of land described in deed to C.M. Gatton, Trustee of record in Document No. 2004059500 of the Official Public Records of Travis County, Texas, and for the most easterly northeast corner and POINT OF BEGINNING of the herein described tract, from which a 5/8" iron rod found in the east line of said Gatton tract, the west line of said Condemnation 145 and the west right-of-way line of said Interstate Highway 35, bears N12°58'08"W a distance of 352.75 feet;

THENCE S12°58'08"W with the west right of way line of said Interstate Highway No. 35, the west line of said Condemnation No. 145 and with the east line of the herein described tract, a distance of 433.28 feet to a 1/2 inch iron rod with aluminum cap set, from which a 5/8 inch iron rod found (TxDot Station 1310+00, 150' Rt.) in the west right-of-way line of Interstate Highway No. 35 bears S12°58'08"W a distance of 214.03 feet;

THENCE leaving the west right-of-way line of Interstate Highway No. 35, S85°20'34"W a distance of 1006.93 feet to a 1/2 inch iron rod with aluminum cap set ;

THENCE S03°19'41"W at a distance of 627.60 feet passing a 1/2 inch iron rod with aluminum cap set in a barbed wire fence on the occupied north line of Old San Antonio Road, in all a total distance of 628.84 feet to a point;

THENCE with a line 28 feet north and parallel with the centerline of pavement of Old San Antonio Road, N77°22'55"W a distance of 138.54 feet to a point;

THENCE N19°23'27"E at a distance of 2.90 feet passing a 1/2 inch iron with "Carson Bush" cap found for the most easterly southeast corner of that certain tract of land said to contain 0.765 acres of land in deed to Michael Richard Aulick and Rebecca Ann McGaughy of record in Document No. 2001042924 of the Official Public Records of Travis County, Texas, in all a total distance of 41.54 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the most easterly northeast

corner of said 0.765 acre tract;

THENCE continuing with the south line of the herein described tract and with the northeast line of said 0.765 acre tract the following five (5) courses:

1. N42°04'55"W a distance of 58.26 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
2. N40°44'31"W a distance of 52.55 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
3. N32°40'25"W a distance of 224.97 feet to a 1/2 inch iron rod with cap set;
4. N37°34'57"W a distance of 91.05 feet to a 1/2 inch iron rod with "Carson Bush" cap found;
5. N48°51'32"W a distance of 248.75 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the northernmost corner of said 0.765 acre tract;

THENCE continuing with the south line of the herein described tract and with the northwest line of said 0.765 acre tract, S65°54'44"W a distance of 228.63 feet to a 1/2 inch iron rod with "Carson Bush" cap found for the westernmost corner of said 0.765 acre tract;

THENCE with the southwest line of said 0.765 acre tract, S20°08'36"E a distance of 43.10 feet to the centerline of Slaughter Creek for the southwest corner of said 0.765 acre tract, same being a corner in the north line of that certain tract of land described as Tract 1, said to contain 3.354 acres of land in deed to Michael Richard Aulick and wife Rebecca Ann McGaughy of record in Volume 12070, Page 438 of the Real Property Records of Travis County, Texas, from which a 1/2 inch iron pipe found bears S20°09'26"E a distance of 49.34 feet;

THENCE continuing with the south line of the herein described tract, with the meanders of the centerline of said Slaughter Creek, S55°33'43"W a distance of 244.70 feet to a point for the southwest corner of the herein described tract;

THENCE over and across said Harrell tract with the west line of the herein described tract, N12°16'49"E a distance of 2323.85 feet to a point in the south line of that certain tract of land described in deed to Abel J. Theriot and Mary Ann Theriot of record in Document No. 1999055181 of the Official Public Records of Travis County, Texas, same being a point in the north line of said Harrell tract, for the northwest corner of the herein described tract, from which a 1/2 inch iron rod found in the east right-of-way line of South First Street (120' R.O.W.), for the southeast corner of that certain tract of land described in Street Deed to the City of Austin of record in Volume 11532, Page 2216 of the Real Property Records of Travis County, Texas, for the southwest corner of said Theriot tract, bears N65°11'44"W a distance of 1543.17 feet;

THENCE with the north line of said Harrell tract, the south line of said Theriot tract and the north line of the herein described Tract, S65°11'44"E a distance of 922.42 feet to a 1/2 inch iron rod

with "Chaparral" cap found for the northwest corner of said Gatton tract and for the northernmost northeast corner of the herein described tract, from which a 1/2 inch iron rod found for the southernmost southeast corner of said Theriot tract and the southwest corner of said Janssen tract bears S65°11'44"E a distance of 383.35 feet;

THENCE with the west line of said Gatton tract, S12°58'08"W a distance of 653.06 feet to a 1/2 inch iron rod with "Chaparral" cap found;

THENCE with the south line of said Gatton tract, S65°05'53"E a distance of 1000.04 feet to the POINT OF BEGINNING, containing 58.440 acres of land within these metes and bounds.

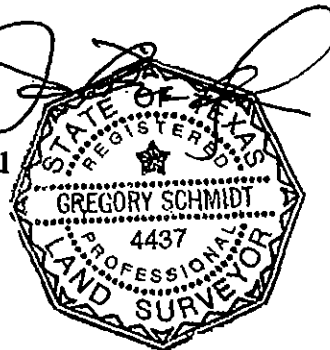
Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

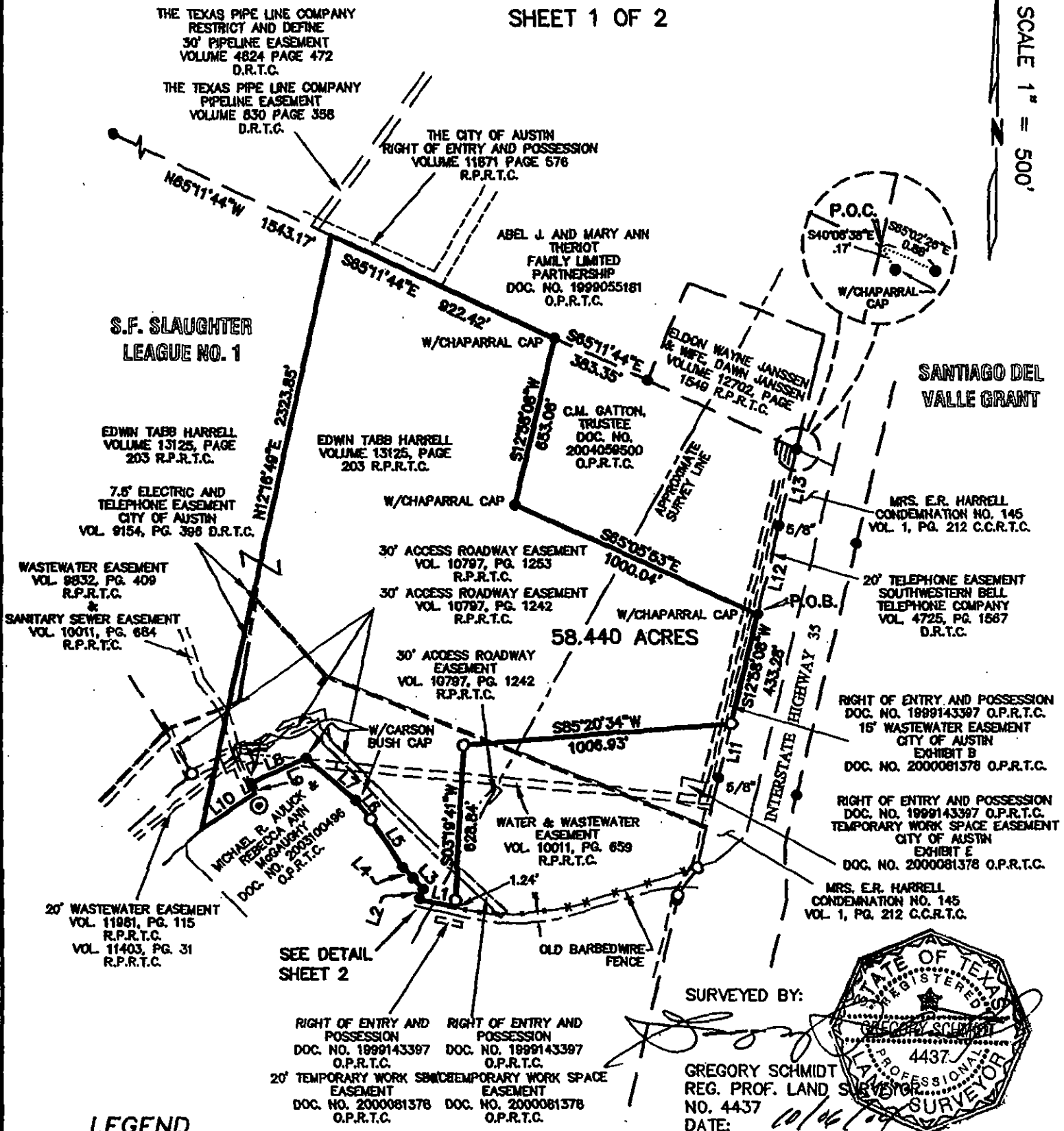
Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
Date: 10/06/04



SKETCH TO ACCOMPANY FIELD NOTES

SHEET 1 OF 2

SCALE 1" = 500'



SKETCH TO ACCOMPANY FIELD NOTES

SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	N77°22'55"W	138.54'
L2	N19°23'27"E	41.54'
L3	N42°04'55"W	58.26'
L4	N40°44'31"W	52.55'
L5	N32°40'25"W	224.97'
L6	N37°34'57"W	91.05'
L7	N48°51'32"W	248.75'
L8	S85°54'44"W	228.63'
L9	S20°08'36"E	43.10'
L10	S55°33'43"W	244.70'
L11	S12°58'08"W	214.03'
L12	N12°58'08"E	352.72'
L13	N12°55'33"E	300.41'



DETAIL
NOT TO SCALE

CA

Cunningham | Allen

Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

C14-04-0126

DESCRIPTION

DESCRIPTION OF 13.886 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1 AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 13.886 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with aluminum cap set in the occupied north line of Old San Antonio Road in the west right-of-way line of Interstate Highway No. 35 (300' R.O.W.), for the easternmost southeast corner of the herein described tract, same being the southwest corner of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, from which a fence post of an old barbed wire fence bears N72°13'23"W a distance of 1.37 feet;

THENCE with the west right-of-way line of Interstate Highway No. 35, S35°19'42"W a distance of 58.60 feet to a point for the southernmost southeast corner of the herein described tract, from which a 1/2 inch iron rod for an angle point in the west right-of-way line of Interstate Highway No. 35, and the east line of said Harrell tract, same being the northwest corner of that certain tract of land described in right-of-way deed to the State of Texas of record in Volume 1636, Page 374 of the Deed Records of Travis County, Texas, bears S35°19'42"W a distance of 72.41 feet;

THENCE over and across said Harrell tract with a line 28 feet north and parallel with the centerline of pavement of Old San Antonio Road, the following four (4) courses:

1. With the arc of a curve to the left an arc distance of 193.87 feet, having a radius of 603.00 feet, a central angle of 18°25'16", and a chord which bears S81°51'24"W a distance of 193.04 feet to a point;
2. S72°38'46"W a distance of 256.19 feet to a point at the beginning of a curve to the right;
3. With the arc of said curve to the right a distance of 377.68 feet, having a radius of 722.00 feet, a central angle of 29°58'19", and a chord which bears S87°37'56"W a distance of 373.39 feet to a point;
4. N77°22'55"W a distance of 70.73 feet to a point for the southwest corner of the herein described tract;

THENCE continuing over and across said Harrell tract N03°19'41"E at a distance of 1.24 feet passing a 1/2 inch iron rod with cap set in said barbed wire fence line, in all a total distance of 628.84 feet to a 1/2 inch iron rod with aluminum cap set for the northwest corner of the herein described tract;

THENCE N85°20'34"E a distance of 1006.93 feet to a 1/2 inch iron rod with aluminum cap set in the west right-of-way line of Interstate Highway No. 35 and the west line of said Condemnation No. 145 for the northeast corner of the herein described tract from which a 1/2 inch iron rod with "Chaparral" cap found in the west right-of-way line of Interstate Highway No. 35 bears N12°58'08"E a distance of 433.28 feet;

THENCE with the west right of way line of said Interstate Highway No. 35, the west line of said Condemnation No. 145 and with the east line of the herein described tract, S12°58'08"W passing at a distance of 214.03 feet a 5/8 inch iron rod found (TxDot Station 1310+00, 150' Rt.), in all a total distance of 572.59 feet to the POINT OF BEGINNING containing 13.886 acres within these metes and bounds.

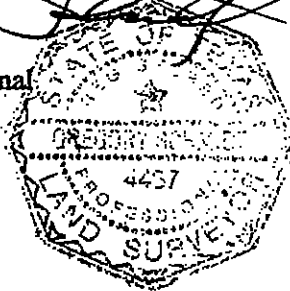
Reference is herein made to the sketch accompanying this metes and bounds description

Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.

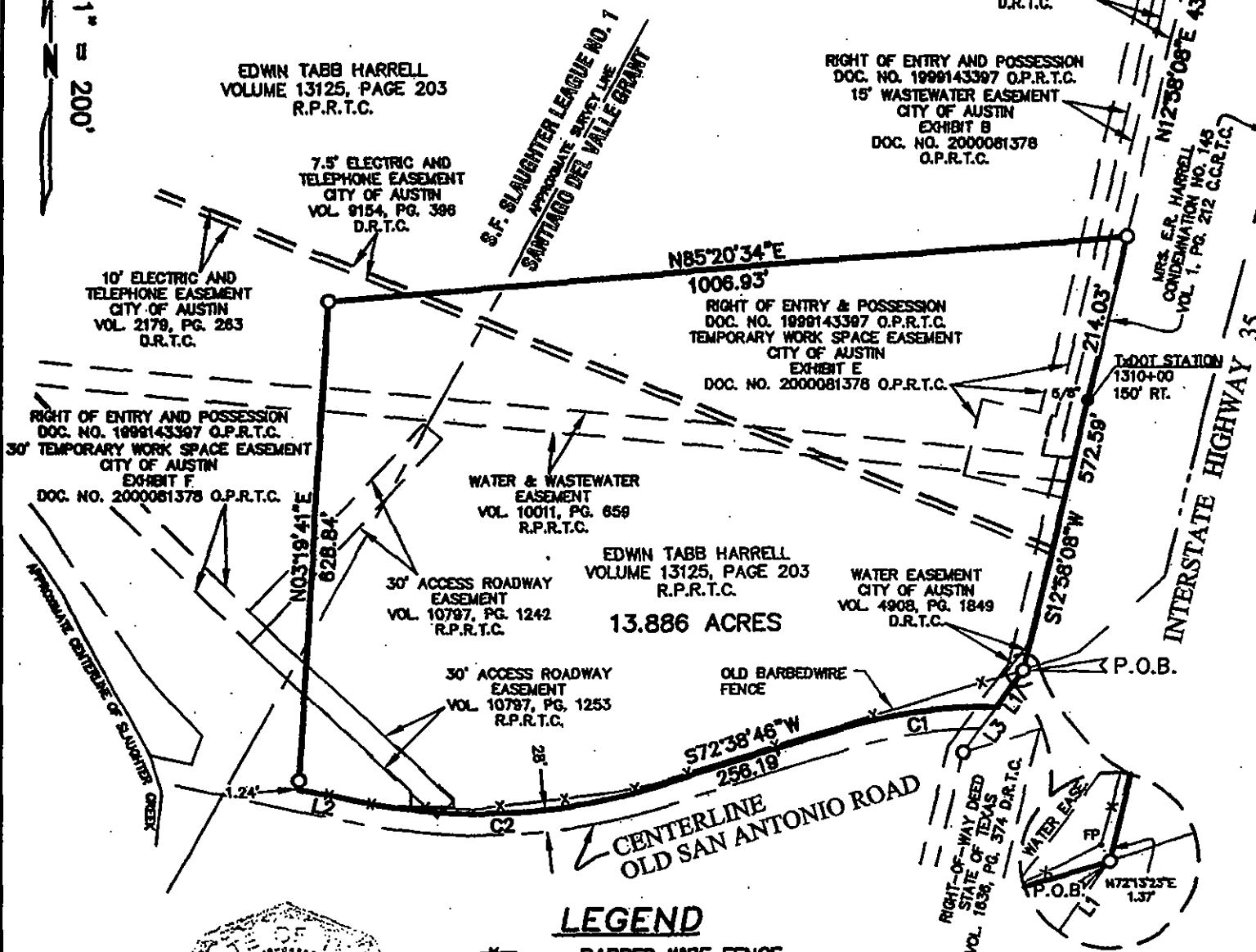
Gregory Schmidt, Registered Professional
Land Surveyor No. 4437
Date: 9/17/04



SKETCH TO ACCOMPANY FIELD NOTES

SHEET 1 OF 1

SCALE 1" = 200'



LEGEND



BARBED WIRE FENCE



FENCE POST



1/2" IRON ROD FOUND (UNLESS STATED)

C.C.R.T.C.

COMMISSIONERS COURT RECORDS OF TRAVIS COUNTY

D.R.T.C.

DEED RECORDS OF TRAVIS COUNTY

R.P.R.T.C.

REAL PROPERTY RECORDS OF TRAVIS COUNTY

O.P.R.T.C.

OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY

P.O.B.

POINT OF BEGINNING

SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 9/17/04

CA
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Engineers • Surveyors

3103 Bee Cave Road, Suite 202

Austin, Texas 78746-6819

Tel.: (512) 327-2946

Fax: (512) 327-2973

CURVE TABLE						
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD	CH-BEARING
C1	193.87	603.00	18°25'16"	97.78	193.04	S81°51'24"W
C2	377.68	722.00	29°38'19"	193.27	373.39	S87°37'56"W

LINE TABLE		
LINE	BEARING	LENGTH
L1	S35°19'42"W	58.60'
L2	N77°22'55"W	70.73'
L3	S35°19'42"W	72.41'

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CLIENT: -
DATE: 9/16/04

CREW: DFD/JP

OFFICE: CG, BW
F.R.: -

PROJ #: 277.1101
FILE NAME: REVISED ZONING ARFA 4

C14-04-0160

DESCRIPTION

DESCRIPTION OF 5.162 ACRES OF LAND SITUATED IN THE S. F. SLAUGHTER LEAGUE SURVEY NO. 1, AND THE SANTIAGO DEL VALLE GRANT IN TRAVIS COUNTY, TEXAS, BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EDWIN TABB HARRELL OF RECORD IN VOLUME 13125, PAGE 203 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS; SAID 5.162 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2 inch iron rod with cap set in the west right of way line of Interstate Highway No. 35 (400' R.O.W.) for the northwest corner of that certain tract of land described in Right-Of-Way Deed to the State of Texas of record in Volume 1636, Page 374 of the Deed Records of Travis County, Texas;

THENCE with the west right of way line of said Interstate Highway No. 35, the east line of said Right-Of-Way tract, and with the east line of the herein described tract S12°57'25"W at a distance of 20.30 feet passing a 5/8 inch iron rod found (TxDOT Station 1315+00, 200' Rt.), in all a total distance of 320.46 feet to a point in the centerline of Slaughter Creek for the southeast corner of the herein described tract;

THENCE with the meanders of the centerline of said Slaughter Creek and with the south and west line of the herein described tract, the following nine (9) courses:

1. S86°36'09"W a distance of 36.60 feet;
2. N86°49'00"W a distance of 101.81 feet;
3. S87°57'39"W a distance of 151.81 feet;
4. S85°11'25"W a distance of 332.60 feet;
5. N86°04'57"W a distance of 191.63 feet;
6. N61°11'51"W a distance of 100.53 feet;
7. N39°22'29"W a distance of 48.76 feet;
8. N04°27'15"W a distance of 126.03 feet;
9. N05°39'35"E a distance of 53.96 feet to a point for the northwest corner of the herein described tract;

THENCE with a line 28 feet south and parallel with the centerline of pavement of Old San Antonio Road, and with the north line of the herein described tract the following four (4) courses:

1. S77°22'55"E a distance of 234.47 feet to a point at the beginning of a curve to the left;
2. With the arc of said curve to the left a distance of 406.98 feet, having a radius of 778.00 feet, a central angle of 29°58'19", and a chord which bears N87°37'56"E a distance of 402.35 feet to a point;
3. N72°38'46"E a distance of 256.19 feet to a point at the beginning of a curve to the right;
4. With the arc of said curve to the right a distance of 136.74 feet, having a radius of 547.00 feet, a central angle of 14°19'21", and a chord which bears N79°48'27"E a distance of

136.38 feet to a point for the northeast corner of the herein described tract, from which a 1/2 inch iron rod set in the west right-of-way line of said Interstate Highway 35 (300' R.O.W.), for the southwest corner of that certain tract of land described in Condemnation No. 145 to the State of Texas, of record in Volume 1, Page 212 of the Commissioners Court Records of Travis County, Texas, bears N35°19'42"E a distance of 128.05 feet;

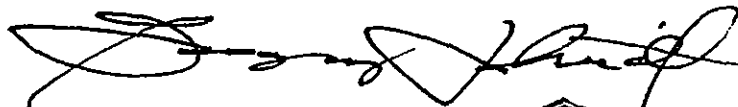
THENCE S35°19'42"W a distance of 2.96 feet to the POINT OF BEGINNING, containing 5.162 acres of land within these metes and bounds.

Reference is herein made to the sketch accompanying this metes and bounds description

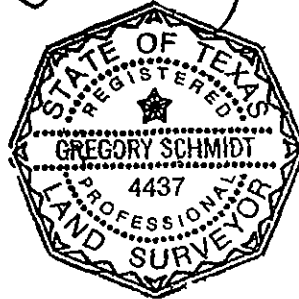
Bearing basis: Grid North, Texas State Plane Coordinate System NAD83 (CORS) Central Zone.

I hereby certify that this description was prepared from a survey made on the ground under my supervision.

CUNNINGHAM-ALLEN, INC.



Gregory Schmidt
Registered Professional
Land Surveyor No. 4437
Date: 9/17/04



SKETCH TO ACCOMPANY FIELD NOTES

SHEET 1 OF 2

SCALE 1" = 200'

MICHAEL RICHARD AULICK AND
REBECCA ANN MCGAUGHY
0.765 ACRES
DOC. NO. 2001042824 O.P.R.T.C.
MARCH 19, 2001

RIGHT OF ENTRY AND POSSESSION
DOC. NO. 189614387 O.P.R.T.C.
CITY OF AUSTIN
EXHIBIT F
DOC. NO. 200061578 O.P.R.T.C.

EDWIN TABB HARRELL
VOLUME 13125, PAGE 203 R.P.R.T.C.

RIGHT OF ENTRY AND POSSESSION
DOC. NO. 189614387 O.P.R.T.C.
CITY OF AUSTIN
EXHIBIT D
DOC. NO. 200061578 O.P.R.T.C.

SEE DETAIL
SHEET 2

INTERSTATE HIGHWAY 35
(400' R.O.W.)

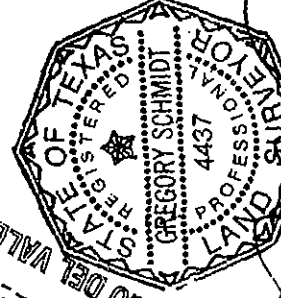
RIGHT-OF-WAY DEED
STATE OF TEXAS
VOL. 1034, PG. 574 D.R.T.C.

ROOT STATION
1315+00
200' RT.

5.162 ACRES

MEANDERS OF THE CENTERLINE
OF SLAUGHTER CREEK

S.F. SLAUGHTER LEAGUE NO. 1
APPROXIMATE SURVEY LINE
SANTAGO DEL VALLE GRANT



SURVEYED BY:

GREGORY SCHMIDT
REG. PROF. LAND SURVEYOR
NO. 4437
DATE: 9/17/02

LEGEND

- 1/2" IRON ROD FOUND (UNLESS STATED)
- 1/2" IRON ROD W/CAP SET (UNLESS STATED)
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- P.O.B. POINT OF BEGINNING

THE RIDGELL FAMILY LIMITED PARTNERSHIP
VOL. 12246, PG. 585 R.P.R.T.C.

EDGE OF WATER
INUNDATED AREA



Cunningham & Allen

Engineers • Surveyors

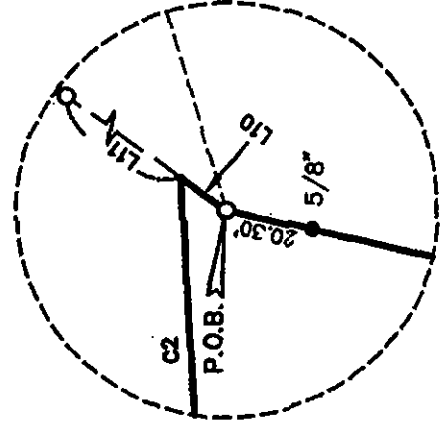
3103 Bee Cave Road, Suite 202
Austin, Texas 78746-6819
Tel.: (512) 327-2946
Fax: (512) 327-2973

SKETCH TO ACCOMPANY FIELD NOTES

SHEET 2 OF 2

LINE TABLE		
LINE	BEARING	LENGTH
L1	S86°36'09"W	38.80'
L2	N86°49'00"W	101.81'
L3	S87°57'39"W	151.81'
L4	N86°04'57"W	191.83'
L5	N81°11'51"W	100.53'
L6	N39°22'29"W	48.76'
L7	N04°27'15"W	126.03'
L8	N05°39'35"E	53.96'
L9	S77°22'55"E	234.47'
L10	S35°19'42"W	2.86'
L11	N35°18'42"E	128.05'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	TANGENT	CHORD
C1	406.98	778.00	29°58'19"	208.26	402.35
C2	136.74	547.00	14°19'21"	68.73	136.38



DETAIL
(NOT TO SCALE)

DATE:

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CLIENT: - CREW: - PLANS: -

CA
Cunningham | Allen
Engineers • Surveyors

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Tel: (512) 327-2946
Fax: (512) 327-2973

After Recording, Please Return to:
City of Austin
Department of Law
P. O. Box 1088
Austin, Texas 78767
Attention: Diana Minter, Legal Assistant